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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/053,448	04/10/1998	RAOUL MALLART	PHA23383	1361

7590 08/14/2002
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EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2611

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/053,448

Applicant(s)

MALLART ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on May 29, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/053,448 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Objections

2. Claims 7-8 are objected to because of the following informalities: there is a typo at line 19 in claim 7. The word "eth" should be typed as "the". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mielekamp et al (US 6,323,857 B1) in view of Brown (US 5,805,154 A).

Regarding claim 1, Mielekamp teaches a method of controlling communication to multiple end users at geographically different locations, comprising: enabling interconnecting at least one subset of the end users through a network (enabling users to interact, via a set of interconnected terminals, by reference to a virtual space); enabling interaction between the end users of the subset via the network (the system enables the users to interact with one another during operation as if they were present in a virtual space (see col. 1, lines 6-8, col. 4, lines 22-23). Mielekamp does not teach the method of switching between broadcasting mode and conference mode. However, Brown discloses broadcast portion of application including an option section 21 that presents an option for a user to switch to the on-demand portion of the

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application and a switching section 23 enabling the user to switch to the on-demand portion of the application, if the option is selected, to establish an interactive session (see col. 3, line 60 to col. 4, line 3, and col. 3, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Mielekamp by enabling switching between the broadcast portion and the on-demand portion of the application in order to allow users easily establishing an interactive session.

Regarding claim 2, Mielekamp discloses broadcasting the interaction to another subset of the end-users (the non-users) (see col. 1-2, lines 66-3, col. 3, lines 1-8).

Regarding claim 3, Mielekamp is modified by Brown further discloses the conversation/interaction between users is broadcast (see abstract, col. 1, lines 52-66).

Regarding claim 4, Mielekamp discloses creating and supplying a graphics representation of the video information to the subset of end users (generating a broadcast signal in addition to the picture information for the various terminals) (see col. 5, lines 9-10).

Regarding claim 5, Mielekamp discloses the end users in the subset is enabled to interactively modify the graphics representation (the terminals 12, 14 and 16 compose the visual pictures from a limited set of characters) (see col. 6, lines 34-35).

Regarding claim 6, Mielekamp discloses the interaction is broadcasted to another subset of end users (reception of the broadcast signal gives non-users the opportunity of perceiving the virtual space as it is perceived by the users), and one or more of the end users in the subset is enable to interactively modify the graphics representation (the terminals 12, 14 and 16 compose the visual pictures from a limited set of characters) (see col. 2, lines 1-22, 43-48, col. 4, lines 34-35).

Regarding claim 7, Mielekamp discloses a system for controlling communication between multiple end users at geographically different locations, the system comprising: a

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server (10); a respective one of multiple clients (12, 14, 16) for a respective one of the end users, the clients being coupled to the server (see figure 1); wherein: the server comprises: a transmission unit (330) for broadcasting content information to the users (generator 330 applies the picture information to the picture information distribution system 34 which applies the picture information on its outputs 35 to the various terminals 12, 14, 16 which reproduce the picture); a trigger unit (380) for triggering information during the broadcasting of at least one group of end users upon an event relating to the broadcasting (the location of the virtual space reproduced at the center of the picture by the broadcast signal generator 380 is then chosen so that the avatar associated with the selected terminal remains in the picture, the picture of the virtual space is transmitted with a broadcast signal. Selection of the terminal 12, 14, 16 can take place, for example if the avatar associated with the terminal is sent into a given part of the virtual space); a unit (310) for controlling the information of the group coupled to the trigger unit (location control operations for the avatar perform such a movement will be filtered out by the central processing unit 310) (see col. 5, lines 3-8, col. 4, lines 22-23, col. 6, lines 6-13, 55-60, col. 5, lines 19-30, col. 8, lines 9-14). Mielekamp teaches the system enables the users to interact with one another during operation as if they were present in a virtual space. Mielekamp does not teach the feature of switching between making accessible to broadcasted content information and entering a conference between the end users of the group via the client. However, Brown discloses broadcast portion of application including an option section 21 that presents an option for a user to switch to the on-demand portion of the application and a switching section 23 enabling the user to switch to the on-demand portion of the application, if the option is selected, to establish an interactive session (see col. 3, line 60 to col. 4, line 3, and col. 3, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Mielekamp by

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enabling switching between the broadcast portion and the on-demand portion of the application in order to allow users easily establishing an interactive session.

Regarding claim 8, Mielekamp discloses the server further comprises: a sever input (31) for receiving video data; and a model generator (380) connected to the server input for generating a graphics model based on the video data; a server output (330) connected to the model generator for supply of the model; a respective client comprises a client input connected (35) to the server output for receipt of the model (see figure 2, col. 4-5, lines 66-8, col. 4, lines 13-16, col. 5, lines 19-27, col. 6, lines 45-47).

Regarding claim 9, Mielekamp discloses a client apparatus (12, 14, 16) for use with a video server (10), the client apparatus comprising: a receiver (120, 121 of terminal 12) for receiving a TV broadcast; an input for receipt of a control signal from the server (in order to enable interactive user control, the server 10 generates signals which are converted into observable, simulated pictures of the virtual space in the terminals 12, 14, 16). (see col. 4, lines 22-29 and figures 1-2). Mielekamp teaches the system enables the users to interact with one another during operation as if they were present in a virtual space. Mielekamp does not teach the feature of switching between making accessible to broadcast or making accessible to the end user a real-time communication channel with another client. However, Brown discloses broadcast portion of application including an option section 21 that presents an option for a user to switch to the on-demand portion of the application and a switching section 23 enabling the user to switch to the on-demand portion of the application, if the option is selected, to establish an interactive session on another channel to receive on-demand portion of the application (see col. 3, line 60 to col. 4, line 3, and col. 3, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify Mielekamp by enabling switching between the broadcast portion and the on-demand portion of the application in order to allow users easily establishing

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an interactive session. Mielekamp does not disclose receiving the information via the Internet from another client. Official Notice is taken that client transmits/receives the information to/from another via the Internet, e.g., Internet relay chat system, is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Mielekamp by including client receives the information from another client via the Internet in order to provide clients a wide range communications to each other all over the world.

Regarding claim 10, Mielekamp does not disclose 3D graphics model accessible to the end user. Official Notice is taken that three-dimensional world is manipulated in an interactive manner over the Internet and shared by multiple users is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Mielekamp by including 3D world in an interactive manner in order to present information in a more visually appealing manner.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Junkin (US 5,860,862 A) teaches an interactive system allowing the participants to compete in an interactive game based on an event which is occurring in real time. Tomoda et al (US 5,832,229 A) teaches a multicast communication system allows user to join or leave multicast groups and specify communication quality using easily comprehensible and operable user terminal display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

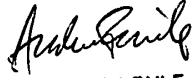
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV
August 7, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600